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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,496	05/23/2006	Jozef Hieronymus Maria Raijmakers	NL 031419	2314
24737 7590 11/17/2009 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			EXAMINER CHAWAN, SHEELA C	
			ART UNIT 2624	PAPER NUMBER
			MAIL DATE 11/17/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/580,496

Applicant(s)

RAIJMAKERS ET AL.

Examiner

SHEELA C. CHAWAN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/11/09</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on 6/19/09 has been entered and made of record.

Claims 12-13 are canceled.

Claims 1-11, are pending in the application.

Response to Argument

2. Applicant's arguments see page 7, of the remarks, filed 6/19/09, with respect to claims 1-13 have been fully considered and are persuasive. The rejection of claims 1-13 has been withdrawn.

Applicant's arguments see page 7, of the remarks, filed 6/19/09, with respect to the rejection of claims 1-13, under 102 (e) rejections have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of August (US. 6, 503,188 B1).

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 5/11/09, the information disclosure statement is being considered by the examiner.

Specification

4. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1- 3, 5- 9, 11 are rejected under 35 U.S.C. 102(e) as being anticipated by August (US. 6,503,188 B1).

As to claim 1, August discloses A system for providing a personalized experience to a person in a medical environment (note, providing a personalized experience to a person in a medical environment corresponds to patient in a healthcare, hospital or convalescent setting), comprising:

means for selecting by the person preferred data from a collection of data (note, providing a personalized experience to a person in a medical environment corresponds to patient in a healthcare, hospital or convalescent setting, by providing the person with a choice of selecting for viewing one or more spatially open , serene natural pictorial landscape scenes to which the person is believed to have an innate positive biophilic affinity, connected with (column 10, lines 53- 64, column 11, lines 4 – 16, 25- 31, 61- 64),

means for controlling display means for displaying the selected data in the medical environment (column 11, lines 4- 6, 32- 35, column 12, lines 52- 60).

As to claim 2, August discloses a system as claimed in claim 1, wherein the data comprise visual data (note, visual data corresponds to biophilic picture, fig 3, element 405).

As to claim 3, August discloses a system as claimed in claim 2, wherein the visual data comprise still images (fig 3, element 405 biophilic picture are still images).

As to claim 5, August discloses a system as claimed in claim 1 wherein the display means comprise at least one projector for projecting the visual data on surfaces of the environment (column 12, lines 21- 26 , element 409 corresponds to projector).

As to claim 6, August discloses a system as claimed in claim 1, wherein the data comprise audio data (fig 7, element 720).

As to claim 7, August discloses a system as claimed in claim 1, wherein the selection means comprise at least one identifier element comprising predetermined data, and the control means comprise reading means for reading the data comprised in the identifier (note, identifier corresponds to a plurality of images (such as pictorial display consist of savanna- type landscape of open spaces, interspersed with distinct spread apart element such as trees or bodies of water to create relaxation and to reduce stress of the person, see column 12, lines 12 – 17, 52- 61).

As to claim 8, August discloses system as claimed in claim 1, wherein the identifier element comprises an identifier chosen from a group of radio frequency transponders (note, radio frequency transponders corresponds to visual and audio data (column 11, lines 26- 27, column 12, lines 52- 61) and barcodes, and the reading means comprise a reader chosen from a group of radio frequency readers and barcode readers (note, identifier or barcode corresponds to a plurality of images (such as pictorial display consist of savanna- type landscape of open spaces, interspersed with distinct spread apart element such as trees or bodies of water to create relaxation and to reduce stress of the person, see column 12, lines 12 – 17, 52- 61).

As to claim 9, August discloses system as claimed in claim 1, wherein personal data of the person can be included in the collection of data (column 2, lines 56- 63).

As to claim 11, August discloses system as claimed in claim 1, wherein the environment comprises one of a group of hospital rooms, including medical treatment rooms, medical examination rooms, waiting rooms, and patient recovery rooms (column 14, lines 48- 52).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which

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said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over August (US. 6,503, 188 B1), as applied to claims 1- 3, 5 – 9 and 11 above and further in view of August (US. 6,641,522 B2).

Regarding claim 10, August 188, discloses roll able health care displays August 188 is silent about personal data can be sent via a public switching network to be included in the collection of data.

August 522 discloses a methods and devices for promoting personal stress reduction and relaxation more, particularly, the present invention concerns methods and apparatuses used to expose persons to appropriately selected visual stimuli which promote relaxation in intimate settings, such as in hospital environments, office cubicles, health care institutions, educational institutions, and hospitality accommodations, or other like settings. The system

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comprises of : wherein the personal data can be sent via a public switching network to be included in the collection of data (column 14, lines 31- 39, column 15, lines 1-3, column 19, lines 27- 38, 46-49).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified August 188 to include personal data can be sent via a public switching network to be included in the collection of data. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified August (188) by the teaching of August (522) in order to provide a method for visually and biophilically expending recovery of a medical and /or surgical patient (as suggested by August at column 6, lines 23- 25).

Contact Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheela C Chawan whose telephone number is. 571-272-7446. The examiner can normally be reached on Monday - Friday 8.30 am - 5.00 pm and every Wednesday work from home. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vikkram Bali can be reached on 571-272-7415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Sheela C Chawan/

11/1/09

Primary Examiner, Art Unit 2624.